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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,512	03/20/2007	Hartmut S. Engel	MFA-2540204	4123
25006 7590 02/04/2009 GIFTORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021				
EXAMINER ZETTL, MARY E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,512

Applicant(s)

ENGEL, HARTMUT S.

Examiner

MARY ZETTL

Art Unit

2875

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/27/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-24, 27-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) in view of Salzmann et al. (US 5,931,567 A).

Regarding claim 1, Muggenburg teaches a built-in lamp (7) being held in an installation surface (1), having an illumination fitting and having a reflector (3), the holder and reflector being arranged relative to one another such that the reflector extends beyond the installation surface in a main direction of illumination with a built-in lamp secured in the installation surface (Figure 4), with the reflector being coupled in this region extending beyond the installation surface to a reflection element (31a, wherein 31a may be replaced with prism plate, 21a, as shown in Figure 1, prisms causing reflections) which extends perpendicular or at an angle to the main direction of illumination, the reflection element (31a of Figure 4 being replaced with 21a) being arranged outside the reflector (3) and being illuminated by light via the region lying between the installation surface (1) and the reflection element (3), wherein the light is provided by at least one of the reflector, or an additional light discharge region, which extends around an outer perimeter of the reflector (3) to surround the reflector at least

regionally, so that the reflection element is illuminated by a portion of the light (Figures 1 and 4).

Muggenburg does not disclose expressly a holder for fastening.

Salzmann et al. teaches a light fixture including a holder (21) for fastening.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art that a holder as taught by Salzmann et al. would have been provided in the invention of Muggenburg so that the light source was particularly placed and so that power was supplied to the light source.

Muggenburg does not disclose expressly the reflector being made translucent or transparent at least sectionally.

Salzmann et al. teaches a reflector (5) being made translucent or transparent at least sectionally (Abstract).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg such that the reflector was made translucent or transparent at least sectionally as taught by Salzmann et al. for the purpose of creating a more pleasing light output by softening the light output and thus reducing glare.

Regarding claim 22, Muggenburg teaches the reflection elements (31a being replaced with 21a) being made as reflecting or as specularly reflecting at its side facing the installation surface (see Figure 1, wherein prisms on 21a face the installation surface).

Regarding claim 23, Muggenburg teaches the reflection element being made as a reflecting scattering plate for one portion of the incident light and as a light permeable scattering plate for another portion of the incident light (see Figure 1, wherein 21a the prisms face up and 21b the prisms face down, thus creating one portion that is reflecting scattering and another portion which is permeable scattering).

Regarding claim 24, Muggenburg teaches the reflection element having a transparent region or opening (paragraph 33 and 37 of translation).

Regarding claim 27, Muggenburg teaches the additional light discharge region (area of 31) being in a plane which coincides substantially with the plane of the installation surface or which extends perpendicular or obliquely to the plane of the installation surface (Figure 4, extending obliquely).

Regarding claim 28, Muggenburg teaches the inner space of the reflector and the additional light discharge region is illuminated by a common illuminant(1).

Regarding claim 29, Muggenburg teaches the reflector (3) having a first reflector opening (opening at the bottom of 3 as oriented in Figures 1 and 4) disposed in the main direction of illumination and a second reflector (top of 3) opening disposed

opposite to the main direction of illumination, with an additional reflector (12 and 15) being associated with the second reflector opening (Figures 1 and 4).

Regarding claim 30, Muggenburg teaches a light passage region (area between 12/15 and 3) that is formed between the additional reflector (12/15) and the reflector (3; Figures 1 and 4).

Regarding claim 31, Muggenburg teaches a built-in lamp wherein the additional reflector (15) is formed at least partly by at least one planar or presettable curved or kinked reflector surface which ensures a presettable division of the portion of the reflected light directed to the reflector and to the additional light discharge region (Figures 1 and 4).

Regarding claim 33, Muggenburg teaches the additional reflector being made as specularly reflective or diffusely reflecting (due to prisms on 21).

Regarding claim 34, Muggenburg teaches the additional reflector being made specularly reflecting or diffusely reflecting on its outer side (21b; Figure 1).

Regarding claim 35, Muggenburg teaches an opening of the reflector (3) being disposed in the main direction of illumination and being open (see Figures 1 and 3).

Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) and Salzmann et al. (US 5,931,567 A) and further in view of Baldwin (US 4,186,433 A).

Regarding claim 25, Muggenburg and Salzmann et al. do not teach the reflection element being releasably connected to the reflector.

Baldwin teaches a reflection element (rim 11b) being releasably connected to the reflector (via item 13; Figure 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the reflection element was releasably connected to the reflector as taught by Baldwin so as to make surface of defective parts easier.

Regarding claim 40, Muggenburg and Salzmann et al. do not disclose expressly teaches an elongated illuminant.

Baldwin discloses an elongated illuminant (1) being provided and its longitudinal direction of extent coincides with the main direction of illumination (A) or its longitudinal direction of extent extends perpendicular to the main direction of illumination (Figure 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried the use of an elongated illuminant in the invention of Muggenburg and Salzmann et al. as taught by Baldwin for the purpose of creating the desired light output shape.

2. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) and Salzmann et al. (US 5,931,567 A) and further in view of Arumugusaamy (US 2003/0058652 A1).

Regarding claim 26, Muggenburg and Salzmann et al. do not disclose expressly the reflection elements being arranged outside the reflector which have different sizes to one another.

Arumugusaamy teaches reflection elements (30) having different sizes to one another (paragraph 28).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the reflection elements had different sizes as taught by Arumugusaamy for the purpose of increasing the randomness of light paths and thus creating a more uniform and output with less glare.

3. Claims 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) and Salzmann et al. (US 5,931,567 A) and further in view of Jongewaard et al. (US 6,561,670 B1).

Regarding claim 32, Muggenburg teaches the illuminant (7) and the reflector (3) are arranged in a housing (11; Figure 4) whose inner surface is made at least regionally as an additional reflector (12/15; Figure 4).

Muggenburg and Salzmann et al. do not disclose expressly the housing being lightproof and/or dustproof.

Jongewaard et al. teaches a lamp including a the housing (formed of 42, 44, a d 22) being lightproof and/or dustproof (col. 4, lines 36-41). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the housing was lightproof and/or dustproof as taught by Jongewaard et al. in order to prevent dust from entering the interior which would have adverse effects on the light output and have the potential for damaging / degrading the electrical components.

Regarding claim 36, Muggenburg and Salzmann et al. do not disclose expressly the housing being terminated in a dustproof manner

Jongewaard et al. teaches a lamp including a housing (formed of 42, 44, a d 22) being lightproof and/or dustproof (col. 4, lines 36-41). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the housing was dustproof as taught by Jongewaard et al. in order to prevent dust from entering the interior which would have adverse effects on the light output and have the potential for damaging / degrading the electrical components.

4. Claims 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) and Salzmann et al. (US 5,931,567 A) and further in view of Wedekind et al. (US 5,957,573 A).

Regarding claim 37, Muggenburg and Salzmann et al. do not disclose expressly the reflector is released from the housing.

Wedekind et al. teaches the reflector being released from the housing (col. 2, lines 7-11).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the reflector was released from the housing as Wedekind et al. so as to make bulb replacements easier.

Regarding claim 39, Muggenburg and Salzmann et al. do not disclose expressly the reflector being displaceably supported in the housing (10) in the main direction of illumination.

Wedekind et al. teaches the reflector being displaceably supported in the housing (col. 2, lines 7-11).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the reflector was displaceably supported in the housing as taught by Wedekind et al. so so as to make bulb replacements easier

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) and Salzmann et al. (US 5,931,567 A) and further in view of Heritage (US 3,833,803 A).

Regarding claim 38, Muggenburg and Salzmann et al. do not disclose expressly the reflector being being fastened by means of one of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection.

Heritage discloses a reflector being attached by means of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection (col. 2, lines 16-24).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the reflector was attached by means of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection as taught by Heritage since such components are well known components in the art that function in a fastening capacity.

Response to Arguments

6. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is 571-272-6007. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MZ
/Mary Zett/
/Sharon E. Payne/
Primary Examiner, Art Unit 2875